

**BEFORE THE STATE BOARD OF MEDIATION  
STATE OF MISSOURI**

MISSOURI NURSES' ASSOCIATION	)	
	)	
Petitioner,	)	
	)	
v.	)	Public Case No. 105
	)	
LINCOLN COUNTY MEMORIAL HOSPITAL,	)	
TROY, MISSOURI	)	
	)	
Respondent.	)	

**OPINION, FINDINGS AND ORDERS**

This is a proceeding before a quorum of the State Board of Mediation consisting of Truman Henry, employer member, Charles R. Bibbs, employee member and Daniel C. Rogers, Chairman and public member, pursuant to Section 105.525 RSMo in which the Missouri Nurses' Association, Petitioner, has under date of March 26, 1975, petitioned the Board to resolve for it the issues of (a) appropriate bargaining unit, as defined in Section 105.500(1), and, (b) majority representative status, as defined in Section 105.500(2) RSMo.

The evidence presented by the registered nurses appears calculated to prove that registered nurses (RNs), generally, including those employed at the Lincoln County Memorial Hospital at Troy, Missouri, are dedicated to distinguish the occupation of professional nursing, as a career. We find that they render such dedicated service at Lincoln County Memorial Hospital, and, --at the bedside of the patient.

Substantial evidence supports us, and we therefore find, that, as a practical matter, the RNs at Lincoln County Memorial Hospital, Troy, Missouri, spend approximately 80% of their working hours directly administering to the health care of the patient, under supervision of the doctors.

Notwithstanding some evidence to the contrary, the Board finds that the RNs included in this proceeding are not "supervisors" or "management" orientated to the extent that any of them, according to our, or general, criteria, should be excluded from the status of "appropriate bargaining unit",--which they seek, with one exception, viz: we do exclude the classification, Director of Nursing Services, now occupied by Mrs. Judith King.

The Legislature has expressly provided that Chapter 335 RSMo "...shall be known as 'The Nursing Practice Law'".

Chapter 335 RSMo is replete with regulations and other provisions denoting a legislative intent to characterize and classify RNs generally, within the meaning of our finding here that the RNs (registered nurses) at Lincoln County Memorial Hospital, Troy, Missouri, do constitute

"a unit of employees at any plant or installation or in a craft or in a function of a public body which establishes a clear and identifiable community of interest among the employees concerned", [Section 105.500(1)].

ILLUSTRATIONS:

Section 335.010(2), definition of professional nursing;

Sections 335.020 and 335.040, license required;

Section 335.050, "Registered Nurse" or "RN", who may use;

Section 335.130, five of seven members of State Board shall be RNs

This Board cannot take issue with Chapter 335 RSMo, as to whom is an RN

Accordingly, the Board interprets and finds that the Legislature, itself, by its legislative enactment, has invested RNs with "a clear and identifiable community of interest". It is beyond comprehension that anyone should, seriously, undertake to prove by the evidence in this case that the RNs at Lincoln County Memorial Hospital, as defined in Chapter 335 RSMo, do not have "a clear and identifiable community of

interest". RNs generally, are thusly so characterized and identified by the Legislature, itself. It is a matter of statutory law. The Board should not take issue with the Legislature as to the community of interest enjoyed by RNs. They are a group who have an identity imposed upon them by statute. If they choose to be RNs they automatically become a legally established group, as this Board finds, with "a clear and identifiable community of interest", pursuant to Section 105.500(1).

"Theirs not to reason why,  
Theirs but to do or die",--for the patient.

The Legislature has defined their identity. The Legislature has authorized registered nurses to use the insignia "RN". No one else except a member of that Legislatively identified group of professional nurses can use the insignia "RN". Conceivably, it may be argued that while on duty as RNs they are required, as a matter of law, to display the "RN" insignia. By Missouri law they are identified as a group under the banner and insignia of registered nurses, "RNs. Theirs is such a unit or group as the State Board of Mediation finds to constitute an "appropriate bargaining unit" as defined in Section 105.500(1).

The applied term "supervisor" or the actual fact of rendering so-called supervisory services cannot alienate the registered nurses in this proceeding from their identification by the Missouri Legislature. Indeed their employer cannot so alienate them--the fact that he calls them "supervisors" or invests them with so-called "management" chores, notwithstanding.

If the employer needs RNs to run his hospital he must take them as state law gives them to him, namely as RNs. He cannot remove them from an identification which Section 105.500(1) has given to them, and as found by this Board. He can waive his management prerogatives by assigning management duties or alien job titles to RNs but he cannot waive the identification or the benefits the law has given them, wither as

individuals, or as a unit, or a group, if they choose to accept it, as supported by this Board.

**WHEREFORE:**

**ORDERED I**

It is Ordered by the State Board of Mediation, by quorum of its members, aforesaid, pursuant to Section 105.525 RSMo, that the issues of appropriate bargaining unit, as requested in said petition, shall be granted favorable to said petitioner and that the requests and relief for finding of appropriateness of bargaining unit of registered nurses as prayed for in its aforesaid petition is hereby granted.

It is so ordered.

**ORDERED II**

It is further Ordered, pursuant to Section 105.525 RSMo, that an election by OFFICIAL NOTICE and OFFICIAL SECRET BALLOT shall be held at Lincoln County Memorial Hospital, Troy, Missouri, on such date and at such time as the parties and this Board shall find to be convenient, (not later, however, than October 1, 1975,) for the purpose of resolving the issue of majority representative status, pursuant to OFFICIAL NOTICE and OFFICIAL SECRET BALLOT to be prescribed by this Board.

MISSOURI STATE BOARD OF MEDIATION

(SEAL)

/s/ Daniel C. Rogers  
Daniel C. Rogers, Chairman

/s/ Truman Henry  
Truman Henry, Employer Member

/s/ Charles R. Bibbs  
Charles R. Bibbs, Employee Member